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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/672,162 | 09/26/2003 | Chen Hui Wei | SS103 | 8117 |
| 35693 | 7590 | 04/29/2004 | EXAMINER | |
| THE SONI LAW FIRM 55 S. LAKE AVE SUITE 720 PASADENA, CA 91101 | | | EVANS HENCE, ANDREA | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2854 | |

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|---------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/672,162 | WEI, CHEN HUI | |
| | Examiner | Art Unit | |
| | Andrea H. Evans | 2854 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 26 September 2003.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-9 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-9 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/26/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Based on the specification, it appears that Applicant wishes to claim foreign priority under 35 U.S.C. 119 (a)-(d) based on an application filed in China (Application Number 02260530.4) on 9/28/02. However, Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.
2. It is noted, however, that Applicant has not filed a certified copy of the application (Application Number 02260530.4) as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Ahrens (4362101). Referring to claim 8, Ahrens teaches a stamper comprising a rigid metal plate (16) connected between a plastic platen (17) and a stamp die (9).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller (4823691) in view of Wall (4852489).

Referring to claim 1, Muller teaches a stamper comprising: a. an upper housing (3), slidably biased over a lower housing (1) by a spring (7), (See Column 3, lines 20-22); b. said upper housing including parallel vertical rails, that traverse between platen tracks formed by combining an inner section and an outer section of said lower housing (See Column 3, lines 18-20); c. an ink pad (2) located within said lower housing (1); d. a reversible platen (8) rotatably engaging a platen track within the inner section of said lower housing, e. a first side (See Figure 5, Examiner 1) of a rigid metal plate (9) connected with said platen body (8); and; a stamp die (See Figure 5, Examiner 2) connected with the opposite side (See Figure 5, Examiner 3) of said metal plate (9); g. wherein said metal platen plate and the stamp die face downwards when the stamper is in an imprint position and said metal platen plate and the stamp die face upwards when the stamper is in a re-inking position. (See Column 2, lines 52-57; Figure 3).

Muller teaches a cam (12) but does not teach a reversible platen (8) comprising a platen body including a cam. Wall teaches a reversible platen (7) comprising a platen body including a cam (42,43) (See Column 3, lines 48-50). It would be obvious one having ordinary skill in the art at the time the invention was made to modify the platen of Muller to include a cam so as to position the platen accurately throughout its turnover movements as taught by Wall.

Referring to claim 4, Muller teaches all that is claimed as discussed above but does not teach a stamper, wherein said cam comprises a. a cam peg between a first cam indentation and a second cam indentation b. wherein said cam rotatably engages a first lower housing peg and a second lower housing peg inducing said platen to rotate within said lower housing. Wall teaches a stamper, wherein said cam (42 or 43) comprises a. a cam peg (45) between a first cam indentation and a second cam indentation (44b) (See Figure 3), b. wherein said cam rotatably engages a first lower housing peg and a second lower housing peg inducing said platen to rotate within said lower housing (See Column 3, lines 58-64; See Abstract lines 20-27). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify the cam of Muller such that the cam comprises a cam peg between a first cam indentation and a second cam indentation wherein said cam rotatably engages a first lower housing peg and a second lower housing peg inducing said platen to rotate within said lower housing to keep the platen in accurate positions during its turnover movements as taught by Wall.

Referring to claim 7, Muller teaches a stamper comprising: an upper housing (3), slidably biased over a lower housing (1) by a spring (7); an ink pad (2); a reversible platen (8) rotatably engaging a platen track within the inner section of said lower housing, a first side (See Figure 5, Examiner 1) of a rigid metal plate (9) connected with said platen body (8); a stamp die (See Figure 5, Examiner 2) connected with the opposite side (See Figure 5, Examiner 3) of said metal plate (9); wherein said metal platen plate with it's adjoining stamp die face downwards when the stamper is in an imprint position and said metal platen plate with its adjoining stamp die face upwards when the stamper is in a re-inking position. (See Figure 3; Column 2, lines 52-57; Figure 3)

Muller teaches a cam (12) but does not teach a reversible platen (8) comprising a platen body including a cam. Wall teaches a reversible platen (7) comprising a platen body including a cam (42,43) (See Column 3, lines 48-50). It would be obvious one having ordinary skill in the art at the time the invention was made to modify the platen of Muller to include a cam so as to position the platen accurately throughout its turnover movements as taught by Wall.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muller (4823691) in view of Wall (4852489) and further in view of Hiroaki (JP 2001-270208).

Referring to claim 2, Muller teaches a stamp die (See Figure 5, Examiner 2) connected to a metal plate. Muller is silent as to how the stamp die is connected to the metal plate. Hiroaki teaches a stamp die (4) removably connected to a plate (6) by an adhesive (7). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Muller such that the stamp die is connected to the plate by an adhesive to adequately bond the die to the plate as taught by Hiroaki.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muller (4823691) in view of Wall (4852489) and further in view of Weir (4970954).

Referring to claim 3, Muller teaches an ink pad (2) but is silent as to whether the pad is removable. Weir teaches a removable ink pad (48); (See Column 3, lines 24-25). It would be obvious to one having ordinary skill in the art to modify the ink pad of Muller such that it is removable in order to provide mess-free removal of the pad when replacement becomes necessary.

9. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller (4823691) in view of Wall (4852489) and further in view of Hewitt (4579057).

Referring to claim 5, Muller teaches all that is claimed as discussed above except a removable roof that snap fits onto the top of said upper housing. Hewitt teaches a removable roof (28) that snap fits onto the top of an upper housing (See Figure 1). It would be obvious to one having ordinary skill in the art to modify Muller such that it includes a removable roof that snap fits onto the top of the upper housing in order to provide a cover to protect the upper housing as taught by Hewitt.

Referring to claim 6, Muller teaches all that is claimed as discussed above except a stamper wherein said removable roof is transparent and wherein an advertising insert with various indicia may be placed between the removable roof and the top of the upper housing. Hewitt teaches that the removable roof is transparent and wherein an advertising insert with various indicia may be placed between the removable roof and the top of the upper housing (See Column 2, lines 26-32). It would be obvious to one having ordinary skill in the art to modify Muller such that removable roof is transparent and wherein an advertising insert with various indicia may be placed between the removable roof and the top of the upper housing to provide a pre-inked sample of the message to be printed as taught by Hewitt.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muller in view of Weir (4970954).

Referring to claim 9, Muller teaches a method of assembling a stamper comprising the steps of: connecting a spring (7) to an inside of the upper housing (3); connecting an inner section of a lower housing (See inner part of (1)) to an outer section of the lower housing (See

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outer part of (1)); (See Examiner 4, Figure 5); connecting an ink pad (2) to the lower housing (1); connecting the lower housing to the upper housing and the spring (See Figure 5); and connecting a platen (8) connected with a rigid metal plate (9) to holes in parallel vertical rails by way of platen guide pins (See Column 3, lines 50-57).

Muller does not teach connecting a removable roof to a top of an upper housing. Weir teaches connecting a removable roof (54) to the upper housing of a stamp (10) (Column 3, lines 18-19). It would be obvious to one having ordinary skill in the art at the time the invention was made to modify Muller to include a removable roof to house the components of the stamp ultimately providing longer and smoother operating springs as taught by Weir.

Muller does not teach that the ink pad (2) is removable. Weir teaches a removable ink pad (48) (See Column 3, lines 24-25). It would be obvious to one having ordinary skill in the art to modify the ink pad of Muller such that it is removable in order to provide mess-free removal of the pad when replacement becomes necessary.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea H. Evans whose telephone number is (571) 272-2162.

The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrea H. Evans

AHE



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